



General Services Administration
Office of General Counsel
Washington, DC 20405

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February 1, 1993

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, DC 20554

Subject: Open Network Architecture - GTE
CC Docket No. 92-256

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

Enclosed please find the original and nine copies of the General Services Administration's Comments for filing in the above-referenced docket.

Sincerely,

Michael J. Ettner

Michael J. Ettner
Senior Assistant General Counsel
Personal Property Division

Enclosures

cc: International Transcription Service
Policy and Program Planning Division (2 copies)

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Application of Open Network
Architecture and Nondiscrimination
Safeguards to GTE Corporation

CC Docket No. 92-256

COMMENTS OF THE GENERAL SERVICES ADMINISTRATION

The General Services Administration ("GSA"), on behalf of the Federal Executive Agencies, hereby submits its Comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 92-495, released December 2, 1992 in CC Docket No. 92-256. This NPRM solicited comments on the application to the GTE Corporation ("GTE") of the Open Network Architecture ("ONA") regulatory framework that currently applies to the Bell Operating Companies ("BOCs") for GTE's participation in the enhanced services market.

I. INTRODUCTION

The Commission has established a comprehensive regulatory framework of nonstructural safeguards in a series of Computer III and ONA proceedings over the last six years to govern the BOCs'

participation in the enhanced services market.¹ Under ONA, the BOCs are required to offer an unbundled set of services to enhanced service providers ("ESPs") which create increased opportunities for ESps to provide a wide range of enhanced services. The Computer III nondiscrimination safeguards consist of Customer Propriety Network Information ("CPNI") rules, network information disclosure rules, and nondiscrimination reporting requirements. The CPNI rules permit the BOCs to participate efficiently in the enhanced services market while balancing efficiency, competitive equity, and privacy considerations. The network information disclosure rules ensure that independent ESps receive timely access to technical information related to new or modified services affecting the interconnection of enhanced services to the BOC networks. The

¹See Amendment of Section 64.702 of the Commission's Rules and Regulations, Phase I, 104 FCC 2d 958 (1986) ("Phase I Order"), recon. 2 FCC Rcd 3035 (1987) ("Phase I Reconsideration Order"), further recon., 3 FCC Rcd 1135 (1988), second further recon., 4 FCC Rcd 5927 (1989); Phase I Order and Phase I Reconsideration Order vacated, California v. FCC, 905 F.2d 1217 (9th Cir. 1990); Phase II, 2 FCC Rcd 3072 (1987) ("Phase II Order"), recon., 3 FCC Rcd 1150 (1988); further recon., 4 FCC Rcd 5927 (1988); Phase II Order vacated, California v. FCC, 905 F.2d 1217 (9th Cir. 1990); Computer III Remand Proceeding, 5 FCC Rcd 7719 (1990) ("ONA Remand Order"), recon., 7 FCC Rcd 909 (1992), pets. for review pending, California v. FCC, No. 90-70336 (and consolidated cases) (9th Cir. filed July 5, 1990); Computer III Remand Proceeding: Bell Operating Company Safeguards and Tier 1 Local Exchange Company Safeguards, 6 FCC Rcd 7571 (1991), pets. for recon. pending, pets. for review pending California v. FCC, No. 92-70083 (and consolidated cases) (9th Cir. filed February 14, 1992); Filing and Review of Open Network Architecture Plans, 4 FCC Rcd 1 (1988), recon., 5 FCC Rcd 3084 (1990), 5 FCC Rcd 3103 (1990), Erratum, 5 FCC Rcd 4045, pets. for recon. pending, pets. for review pending, California v. FCC, No. 90-70336 (and consolidated cases) (9th Cir. filed July 5, 1990), 6 FCC Rcd 7646 (1991), pet. for review pending, MCI Telecommunications Corp. v. FCC, No. 92-70189 (9th Cir. filed February 19, 1992).

Commission's nondiscrimination reporting requirements protect against possible discrimination against ESPs in the quality, installation and maintenance of basic services.

GSA has consistently supported the Commission in its efforts to bring full and open competition to the enhanced services market.² In these Comments, GSA endorses the Commission's extension of the same ONA and nondiscrimination safeguards to GTE, and responds to specific issues raised by the Commission in the NPRM.

II. OPEN NETWORK ARCHITECTURE AND NONDISCRIMINATION SAFEGUARDS SHOULD BE APPLIED TO GTE.

In Computer III, the Commission did not make GTE's participation in the enhanced service market subject to ONA requirements and nondiscrimination safeguards. The Commission did state, however, that it stood ready to revisit this issue after ONA was implemented for the BOCs.³

GTE, itself, has long recognized that it would eventually become subject to Comparably Efficient Interconnection ("CEI") and ONA rules, as demonstrated by the following GTE statements:

²See, e.g., Comments of GSA dated March 8, 1991, and Reply Comments of GSA dated April 8, 1991 in ONA Remand Order; GSA's Comments on Direct Cases dated October 16, 1992 in Open Network Architecture Tariffs of Bell Operating Companies, CC Docket No. 92-91.

³Phase II Order, 2 FCC Rcd at 3073, 3101-02.

ONA is a regulatory policy and not a network architecture prescription or technology. Although, in all likelihood it will ultimately be broadened to encompass all Local Exchange Carriers (LECs), the policy deals specifically with the preconditions necessary for the removal of the Federal Communications Commission's (FCC) structural separation requirement for the Regional Bell Operating Companies (RBOC's) to offer enhanced services. Although not currently subject to the FCC's ONA order, GTE fully supports the principles of ONA and is complying with the spirit of the ONA order on a voluntary basis.⁴

* * *

GTE is not currently under orders by the FCC to comply with their CEI/ONA regulations but we are voluntarily complying with these FCC regulations. It may be only a matter of time before the FCC requires us to follow the same ONA regulatory policies as the RBOCs, especially now that we are the largest independent phone company in the United States.⁵

Indeed, the time has come to formally apply ONA architecture and nondiscrimination safeguards to GTE. The Commission and the industry have gained substantial experience with the BOCs' implementation of ONA and nondiscrimination safeguards. Particularly with the increased scope and strength of GTE's operations since its merger with Contel, there remains no compelling reason to treat GTE differently from the BOCs.

⁴Letter from Carol L. Gjelland, Director-Regulatory Matters, GTE, to Pat Donovan, Attorney, and John Morabito, Attorney, Policy and Program Planning Division, Common Carrier Bureau, FCC, August 28, 1992 ("GTE Letter"), Exhibit II, CEI/ONA Implementation Guidelines, Page 1 (Emphasis Added).

⁵Id., GTE Telops CEI/ONA Presentation, p. 5 (Emphasis Added).

Most importantly, the extension of the Commission's ONA and nondiscrimination rules to GTE will ensure that the benefits derived from these rules will be brought to customers and ESPs operating in GTE's many service areas.

III. GTE SHOULD BE SUBJECT TO THE
SAME RULES AS THE BOCs.

GTE contends that it should be subject to less onerous restrictions than the BOCs, absent a showing that there has been a failure on the part of GTE to meet the needs of ESPs or comply with the spirit of the Commission's rules.⁶

GTE misses the point. The Commission's carefully crafted rules have not been imposed as a punishment on the BOCs, nor are they proposed as a punishment to GTE. The Commission's ONA rules and nondiscrimination safeguards are designed to allow large and powerful LECs to compete on a fair and equitable basis in the enhanced services market without the application of inefficient structural separation requirements. The Commission's regulatory framework thus allows competition to grow in the enhanced services market in a manner which is fair to both LECs and ESPs.

GSA notes that GTE takes justifiable pride in its voluntary efforts to abide by the spirit of the Commission's rules, and GSA has confidence that GTE's transition to formal compliance will be neither difficult nor burdensome.

⁶GTE Letter, pp. 14-15.

IV. STREAMLINED IMPLEMENTATION OF THE
COMMISSION'S RULES IS APPROPRIATE
FOR GTE.

The Commission proposes that GTE be allowed a full year from the date that a Report and Order in this proceeding is released to comply with its ONA and nondiscrimination rules.⁷ GSA believes that this ample transition period will allow GTE to implement the Commission's rules in an orderly and efficient manner.

The Commission also requests comment on whether GTE should be required to submit a justification of its initial ONA services 60 days before it files its ONA tariffs.⁸ GSA believes simultaneous filing of its justification and tariffs will streamline the process and be less likely to delay the offering to the public of GTE's ONA services. In light of the substantial experience gained in the implementation of BOC ONA tariffs, GSA believes GTE's initial offerings should be subject to expedited approval.

⁷NPRM. para. 14.

⁸NPRM. para. 16.


V. CONCLUSION

As the agency vested with the responsibility for acquiring telecommunications services for use of the Federal Executive Agencies, GSA supports the Commission's efforts to bring full and open competition to the enhanced services market. GSA concludes that rules applying Open Network Architecture and Nondiscrimination safeguards to the GTE Corporation should be adopted in accordance with the Commission's NPRM, as refined by the above GSA Comments.

Respectfully submitted,

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February 1, 1993

CERTIFICATE OF SERVICE

I, Michael J. Ettner, do hereby certify that copies of the foregoing "Comments of the General Services Administration" were served this 1st day of February, 1993, by postage paid or hand delivery (indicated below by asterisks) to the following parties:

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Sincerely,

A handwritten signature in cursive script that reads "Michael J. Ettner".

Michael J. Ettner
Senior Assistant General Counsel
Personal Property Division

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